

**A RESOLUTION
BY FINANCE/ EXECUTIVE COMMITTEE**

08-R-0527

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN APPROPRIATE CONTRACTUAL AGREEMENT WITH ORACLE USA, INC., PURSUANT TO CHAPTER 2, ARTICLE X, DIVISION 4, SECTION 2-1191.1 OF THE PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES, FOR SOFTWARE LICENSES, SUPPORT AND MAINTENANCE FOR 5 YEARS, ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED \$964,867.18 PER YEAR FOR THE FIRST THREE YEARS, \$580,534.60 FOR THE FOURTH YEAR, AND \$600,999.28 FOR THE FIFTH YEAR FOR A TOTAL AMOUNT NOT TO EXCEED \$4,076,135.30; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 1001 (GENERAL FUND) 050211 (DIT IT NETWORK MANAGEMENT) 5213001 (CONSULTING / PROFESSIONAL SERVICES-TECHNICAL) 1535000 (DATA PROCESSING/ MANAGEMENT INFORMATION); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has implemented the Enterprise Resource Planning ("ERP") System, which integrates mission-critical business systems into a single, shared- computing environment, from which real time decisions can be made; and

WHEREAS, in order to fully implement the Oracle software, the City needs to purchase additional software license, support and maintenance for the HR and financial applications of the ERP System; and

WHEREAS, the Chief Procurement Officer, in consultation with the Chief Information Officer, has determined that an unusual or unique situation exists that makes the application of all requirements of competitive sealed bidding or competitive sealed proposals contrary to the public interest and, as such, deems it necessary and in the best interests of the City to provide for the immediate procurement of the services of Oracle USA, Inc.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES that the Mayor is authorized under the authority of §2-1191.1 of Article X, Procurement And Real Estate Code of the City of Atlanta, to execute, on behalf of the Department of Information Technology, an Agreement with Oracle USA, Inc., for software licenses, support and maintenance, for a period of five years, in an amount not to exceed \$964,867.18 per year for the first three years, \$580,534.60 for the fourth year and \$600,999.28 for the fifth year, for a total amount not to exceed \$4,076,135.30.

BE IT FURTHER RESOLVED, that all contracted work shall be charged to and paid from Fund Department Organization and Account number 1001 (General Fund) 050211 (DIT IT Network Management) 5213001 (Consulting / Professional Services-Technical) 1535000 (Data Processing/ Management Information).

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby directed to prepare the appropriate contractual agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, that said contractual agreement shall not become binding upon the City, and the City shall incur no liability upon the same until such contract is approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk, and delivered to Oracle USA, Inc.



CITY OF ATLANTA

SUITE 1790

55 TRINITY AVENUE, SW

ATLANTA, GA 30303

(404) 330-6204 Fax: (404) 658-7705

Internet Home Page: www.atlantaga.gov

DEPARTMENT OF PROCUREMENT

Adam L. Smith, Esq., CPPB

Chief Procurement Officer

asmith@atlantaga.gov

Shirley Franklin
Mayor

March 11, 2008

PROCUREMENT CODE SECTION 2-1191.1 SPECIAL PROCUREMENT DESIGNATION

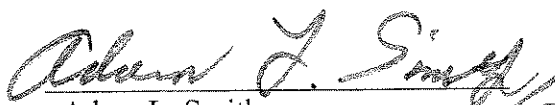
Pursuant to Atlanta City Code Section 2-1191.1, the Chief Procurement Officer may initiate a procurement above the small purchase amount specified in Section 2-1190 where he/she determines that an unusual or unique situation exists that make the application of all requirements of competitive sealed bidding or competitive sealed proposals contrary to the public interest and such procurement does not technically qualify as a sole source procurement under Code Section 2-1191. Any special procurement under this Section shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the procurement and for the selection of the particular contractor shall be included by the Chief Procurement Officer in the contract file.

This special procurement request is made to procure Oracle Licenses and Support, this request is needed in order to be in compliance with Oracle, due to the fact that the current licenses will expire in March 2008. By obtaining this special procurement it will enable the City of Atlanta ("City") Departments to access Oracle on behalf of the Department of Information Technology.

Having conducted an investigation of the available sources regarding the materials, goods and/or services stipulated herein pursuant to § 2-1191.1 of the City of Atlanta Code of Ordinances, Special Procurement, my findings are the following:

- 1) It has been determined that because of the specialized service, Oracle is in a position to give the "City" a 79.99% discount if the "City" purchase directly from them. If purchased through the State of Georgia contract there will be only a 52% discount. Purchasing these licenses and support directly from Oracle will save the "City" over three million dollars during the next 5 years. The application of all requirements for competitive sealed bidding would not apply. It has also been determined that such procurement does not technically qualify as a sole source.

I, Adam L. Smith, by the authority vested in me pursuant to § 2-1191.1 of the City of Atlanta Code of Ordinances, do hereby approve, direct and authorize the special procurement for Oracle Licenses and Support with Oracle Corp.


Adam L. Smith



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Shirley Franklin
Mayor

DEPARTMENT OF PROCUREMENT

Adam L. Smith, Esq., CPPB

Chief Procurement Officer

asmith@atlantaga.gov

July 16, 2007

PROCUREMENT CODE SECTION 2-1191.1 SPECIAL PROCUREMENT DESIGNATION

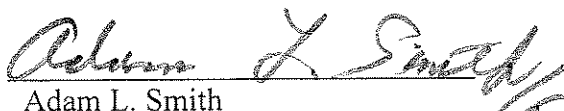
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I, Adam L. Smith, by the authority vested in me pursuant to § 2-1191.1 of the City of Atlanta Code of Ordinances, do hereby approve, direct and authorize the special procurement for Oracle Licenses and Support with Oracle Corp.


Adam L. Smith

WAC

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance/ Executive Committee

Caption: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN APPROPRIATE CONTRACTUAL AGREEMENT WITH ORACLE USA, INC., PURSUANT TO CHAPTER 2, ARTICLE X, DIVISION 4, SECTION 2-1191.1 OF THE PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES, FOR SOFTWARE LICENSES, SUPPORT AND MAINTENANCE FOR 5 YEARS, ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED \$964,867.18 PER YEAR FOR THE FIRST THREE YEARS, \$580,534.60 FOR THE FOURTH YEAR, AND \$600,999.28 FOR THE FIFTH YEAR FOR A TOTAL AMOUNT NOT TO EXCEED \$4,032,146.74; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 1001 (GENERAL FUND) 050211 (DIT IT NETWORK MANAGEMENT) 5213001 (CONSULTING / PROFESSIONAL SERVICES-TECHNICAL) 1535000 (DATA PROCESSING/ MANAGEMENT INFORMATION); AND FOR OTHER PURPOSES.

Council Meeting Date: March 17, 2008

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to purchase, Oracle Enterprise licenses and 5 years of support and maintenance, in the amount of \$964,867.18 per year for 3 years, then \$580,534.60 for 4th year and \$600,999.28 the 5 yr for a total not to exceed \$4,032,146.74.

2. Please provide background information regarding this legislation.

We are currently paying for individual seat licenses for Oracle financials. Oracle has offered the City of Atlanta an enterprise licenses at a 79.99% discount saving the city over \$3.8 million during the next 5-years.

3. If Applicable/Known:

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc):

- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract: 5 Years

4. Fund Account Center (*Ex. Name and number*): 1001(GENERAL FUND) .050211 (DIT IT NETWORK MANAGEMENT) .5213001 (CONSULTING / PROFESSIONAL SERVICES-TECHNICAL) .1535000 (DATA PROCESSING/ MANAGEMENT INFORMATION).

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Kathleen Lane, DIT Compliance Analyst

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Kathleen Lane

Contact Number: 404-330-1983

Originating Department: Department of Information Technology

Committee(s) of Purview: Finance/ Executive Committee

Chief of Staff Deadline: February 27, 2008

Anticipated Committee Meeting Date(s): March 11-12, 2008

Anticipated Full Council Date: March 17, 2008

Legislative Counsel's Signature: [Signature]

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: [Signature]

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN APPROPRIATE CONTRACTUAL AGREEMENT WITH ORACLE USA, INC., PURSUANT TO CHAPTER 2, ARTICLE X, DIVISION 4, SECTION 2-1191.1 OF THE PROCUREMENT AND REAL ESTATE CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES, FOR SOFTWARE LICENSES, SUPPORT AND MAINTENANCE FOR 5 YEARS, ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY, IN AN AMOUNT NOT TO EXCEED \$964,867.18 PER YEAR FOR THE FIRST THREE YEARS, \$580,534.60 FOR THE FOURTH YEAR, AND \$600,999.28 FOR THE FIFTH YEAR FOR A TOTAL AMOUNT NOT TO EXCEED \$4,032,146.74; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 1001 (GENERAL FUND) 050211 (DIT IT NETWORK MANAGEMENT) 5213001 (CONSULTING / PROFESSIONAL SERVICES-TECHNICAL) 1535000 (DATA PROCESSING/ MANAGEMENT INFORMATION); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): \$4,032,146.74

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____

(date)
Received by Mayor's Office: 3/11/08
(date)

(date)
Reviewed by: 3/11/08
(date)

Submitted to Council: _____
(date)